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**MEMO ENDORSED**

November 18, 2011

Via Facsimile (212) 805-7917

The Honorable Robert P. Patterson, Jr.  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 2550  
New York, New York 10007-1312

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>11/18/11</u>
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Re: Levin v. Bank of New York et. al.  
09 Civ. 5900 (RPP)  
CHALOS & Co ref: 2001.073

Dear Judge Patterson:

We are counsel for Clarksons a/k/a Clarkson PLC (hereinafter "Clarksons"), who has been named by Defendant Bank of New York Mellon (hereinafter "BNY Mellon") as a third-party defendant/wire transfer party in the above-captioned matter.

Clarksons' Answer to BNY Mellons' Third-Party Complaint is currently due to be filed on November 18, 2011. Clarksons makes no claim to the proceeds of the Phase 2 Assets held by BNY Mellon and identified in "Exhibit G" to BNY Mellon's Third-Party Complaint. As such, Clarksons' respectfully requests a three (3) week extension of time to respond to BNY Mellon's Third-Party Complaint to allow Clarksons time to conclude a stipulation with BNY Mellon disclaiming all interest in the funds. Counsel for BNY Mellon (J. Kelley Nevling of the firm Levi Lubarsky & Feigenbaum LLP) has consented to the requested extension. In addition, to the extent that the consent of one of the judgment creditors' counsel is required, Ben Weathers-Lowin, Esq. of the firm Stroock & Stroock & Lavan LLP, which represents the Greenbaum and Acosta third-party defendants/judgment creditors, has also consented to this extension of time. This is Clarksons' first request for an extension of time to answer BNY Mellon's Third-Party Complaint.

In advance, we thank the Court for its time and consideration, and remain,

Respectfully yours,

CHALOS & Co, P.C.

*Kerri M D'Ambrosio*

George M. Chalos  
Kerri M. D'Ambrosio

GMC/mdr

*Application granted  
Time to respond is  
extended to 12/19/11  
This is a final extension  
So ordered  
Robert P. Patterson  
USDC  
11/18/11*



CHALOS & CO. P.C.  
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cc: J. Kelley Nevling, Jr., Levi Lubarsky & Feigenbaum LLP (by email)  
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